



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2012 REGULAR SESSION

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HOUSE BILL NO. 439

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FRIDAY, MARCH 2, 2012

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE April 4, 2012  
3:12pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Kim Perry

1 AN ACT relating to speed limits on interstate highways.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189.390 is amended to read as follows:

4 (1) As used in this section, unless the context requires otherwise:

5 (a) "Business district" means the territory contiguous to and including a highway  
6 if, within six hundred (600) feet along the highway, there are buildings in use  
7 for business or industrial purposes that occupy three hundred (300) feet of  
8 frontage on one (1) side or three hundred (300) feet collectively on both sides  
9 of the highway;

10 (b) "Residential district" means the territory contiguous to and including a  
11 highway not comprising a business district if the property on the highway for a  
12 distance of three hundred (300) feet or more is improved with residences or  
13 residences and buildings in use for business; and

14 (c) "State highway" means a highway or street maintained by the Kentucky  
15 Department of Highways.

16 (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is  
17 reasonable and prudent, having regard for the traffic and for the condition and use  
18 of the highway.

19 (3) The speed limit for motor vehicles on state highways shall be as follows, unless  
20 conditions exist that require lower speed for compliance with subsection (2) of this  
21 section, or the secretary of the Transportation Cabinet establishes a different speed  
22 limit in accordance with subsection (4) of this section:

23 (a) Sixty-five (65) miles per hour on interstate highways and parkways;

24 (b) Fifty-five (55) miles per hour on all other state highways; and

25 (c) Thirty-five (35) miles per hour in a business or residential district.

26 (4) (a) If the secretary of transportation determines, upon the basis of an engineering  
27 and traffic investigation, that any speed limit is greater or less than is

reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of sixty-five (65) miles per hour, except that, notwithstanding the provisions of subsection (3)(a) of this section, the secretary may increase the speed limit on any of the following segments of highway to seventy (70) miles per hour:

1. Interstate 24 (entire length);
2. Interstate 64 from Interstate 264 to the West Virginia state line;
3. Interstate 65 from Interstate 264 to the Tennessee state line;
4. Interstate 69 (entire length);
5. Interstate 71 from Interstate 264 to Interstate 275;
- 6.~~[5.]~~ Interstate 75 from the Tennessee state line to Interstate 275;
- 7.~~[6.]~~ The Audubon Parkway (entire length);
- 8.~~[7.]~~ The Julian M. Carroll Purchase Parkway (entire length);
- 9.~~[8.]~~ The Bert T. Combs Mountain Parkway from Interstate 64 to the beginning of the Mountain Parkway Extension (KY 9009) in Wolfe County;
- 10.~~[9.]~~ The Edward T. Breathitt Pennyryle Parkway (entire length);
- 11.~~[10.]~~ The Wendell H. Ford Western Kentucky Parkway (entire length);
- 12.~~[11.]~~ The Louie B. Nunn Cumberland Parkway (entire length);
- 13.~~[12.]~~ The Martha Layne Collins Bluegrass Parkway (entire length); and
- 14.~~[13.]~~ The William H. Natcher Parkway (entire length).

- (b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and

1 where posted. The Transportation Cabinet shall post signs notifying the  
2 traveling public of the temporary highway work zone maximum speed limit.  
3 Nothing in this paragraph shall be construed to prevent the Transportation  
4 Cabinet from using moveable or portable speed limit signs in highway work  
5 zones.

6 (5) (a) A city or a county may by ordinance establish speed limits within its own  
7 jurisdiction, except as provided in paragraph (b) of this subsection.

8 (b) The alteration of speed limits on state highways within a city or a county shall  
9 not be effective until the alteration has been approved by the secretary of  
10 transportation. The secretary shall not approve any alteration that could  
11 increase any speed limit established by subsection (3)(b) or (c) of this section  
12 in excess of fifty-five (55) miles per hour.


13 (c) If a county determines, upon the basis of an engineering and traffic  
14 investigation and study, that it is unsafe to park motor vehicles on or along  
15 any highway, other than a state highway, within the unincorporated areas of  
16 the county, or that in any business district the congestion of traffic justifies a  
17 reasonable limitation on the length of time any one (1) motor vehicle is  
18 permitted to park in such district so as to reduce the congestion, the fiscal  
19 court may by ordinance establish "no parking" areas on the highway, or limit  
20 the length of time any motor vehicle may be parked in any business district.

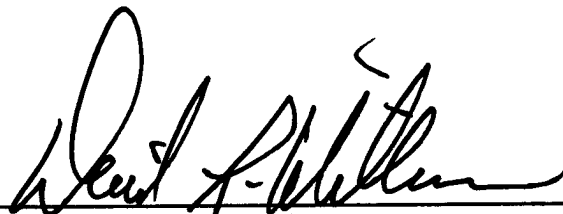
21 (6) The speed limit for motor vehicles in an off-street parking facility offered for public  
22 use, whether publicly or privately owned, shall be fifteen (15) miles per hour.


23 (7) A person shall not drive a motor vehicle at a speed that will impede or block the  
24 normal and reasonable movement of traffic, except when reduced speed is necessary  
25 for safe operation or in compliance with law.

26 (8) In every charge for a violation of any speed limit specified in this section, the  
27 warrant or citation shall specify the speed at which the defendant is alleged to have

- 1 driven, and the lawful speed limit applicable at the location where the violation is
- 2 charged to have occurred.

  
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Speaker House of Representatives

  
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President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date 4-4-12